

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Foster Wheeler Environmental Corporation,	:	
	:	Case No. 1:07-CV-033
Plaintiff,	:	
	:	District Judge Susan J. Dlott
v.	:	
	:	ORDER DENYING MOTION FOR
Fluor Fernald, Inc.,	:	RECONSIDERATION
	:	
Defendant.	:	

This matter comes before the Court on Foster Wheeler Environmental Corporation's Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment. (Doc. 16.)

The Court has carefully reviewed the plaintiff's motion and the authority cited therein. There are three grounds for amending a judgment pursuant to Rule 59(e): "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at the time of trial; and (3) to correct a clear error of law or to prevent manifest injustice." Berridge v. Heiser, 993 F. Supp. 1136, 1146-47 (S.D. Ohio 1997); see also Gencorp, Inc. v. American Int'l Underwriters, 178 F.3d 804, 834 (6th Cir. 1999) (same). In this case, there is no intervening change of controlling law. The plaintiff has submitted no new evidence. Finally, there is no need to correct a clear error or to prevent manifest injustice.

The case to which the plaintiff refers the Court, In the Matter of Appeal of Swanson Printing Co., G.P.O.B.C.A. 27-94, 1995 WL 818786 (G.P.O.B.C.A.) (Sept. 29, 1995), was addressed by the Court in the previous Order and does not require a different outcome now. The plaintiff has simply reargued the issues upon which it was not successful before this Court. The proper forum for such additional argument is in the Court of Appeals.

For these reasons, the plaintiff's Motion (doc. 16) is **DENIED**.

IT IS SO ORDERED.

s/Susan J. Dlott
Susan J. Dlott
United States District Judge